

CRM-M-29976-2020

Date of Decision: 18.01.2021

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.....Petitioner

Vs.

State of Punjab

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Ritesh Pandey, Advocate, for the petitioner.

Mr. Sarabjit Singh Cheema, A.A.G., Punjab.

AMOL RATTAN SINGH, J. (ORAL)

Case heard by video conferencing.

By this petition, the petitioner seeks the concession of 'pre-arrest bail' upon FIR No. 95 having been registered against him at Police Station Sadar, Gurdapur, on 27.08.2019, alleging therein the commission of an offence punishable under Section 420 of the IPC.

Pursuant to the order dated 21.12.2020, a detailed reply to the petition has been filed by the Deputy Superintendent of Police, Gurdaspur, dated 07.01.2021, in which it is stated that in fact as per investigation, the petitioner took Rs. 2,80,000/- from the complainant with the complainant having raised that money by way of friendly loans to the extent of Rs. 2,50,000/-, with him having Rs. 30,000/- in his personal savings, with the persons from whom he took those loans also having been joined as witnesses in the investigation and with their statements under Section 161 of the Cr.P.C. having been recorded.

It has also been stated that the report under Section 173 of the Cr.P.C. has been submitted to the competent court with the case now fixed for hearing before that court on 03.05.2021.

Further, it has been stated that the petitioner did in fact issue two cheques in the name of one Chaman Lal, i.e. his brother-in-law, for an amount of Rs. 50,000/- each, with the complainant being the nephew of the said brother-in-law.

Learned counsel for the petitioner submits that the cheques were in fact to return a loan taken by the petitioner from his brother-in-law and would have nothing to do with the allegations made in the complaint.

Without making any comment on the correctness or otherwise of that contention, since the report under Section 173 of the Cr.P.C. has already been submitted to the trial court after the petitioner joined investigation, I would see no purpose to keep him in custody in the circumstances, and therefore the order passed on 17.11.2020 is hereby made absolute.

It is made absolutely clear that admitting the petitioner to anticipatory bail will not be taken as an inference that this court has either found the petitioner *prima facie* guilty of any offence or not.

Naturally, the competent court would consider the report submitted by the prosecution wholly on its own merits and proceed accordingly.

The petition is disposed of accordingly.

January 18, 2021
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No.